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Sharon J. Sobers (0030428)
Trial Attorneys for Plaintiff

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

CRYSTAL HENRY
406 Mohawk Street
Cincinnati, Ohio 45214

Plaintiff,

v.

ULTIMATE REHAB, LTD
4015 Executive Park Drive, #420
Cincinnati, Ohio 45241-4017

STATUTORY AGENT
Lorie McDonald
4015 Executive Park Drive, #420
Sharonville, Ohio 45241

And

LORIE McDONALD, personally
4015 Executive Park Drive, #420
Sharonville, Ohio 45241

Defendant.

Case No **1:09 CV 085**

J. HOGAN

Judge ~~L. RECKWITZ~~

COMPLAINT
(with Jury Demand Endorsed Hereon)

Now comes Plaintiff for her Complaint and states as follows:

1. This is an action under the Fair Labor Standards Act ("FLSA") 29 USC §§201, et seq. and under the Ohio Minimum Wage Act, ORC §§ 4111.01 et seq., to recover payment of unpaid overtime.

2. The Court has jurisdiction over the FLSA claim under 28 USC §1331 and has supplemental jurisdiction over the Ohio wage claim under 28 USC §1367.

3. Venue in this Court is proper pursuant to 28 USC §1391(b) since Defendant resides in this District and the events/omissions giving rise to these claims occurred in this District.

PARTIES

4. Plaintiff Crystal Henry is a speech therapist/pathologist. She was formerly employed by Defendant Ultimate Rehab, Inc. ("Ultimate Rehab").

5. Ultimate Rehab is a Limited Partnership located in the State of Ohio. Ultimate Rehab provides interdisciplinary rehab services, including physical, occupational, and speech therapy throughout the greater Cincinnati, Northern Kentucky, Dayton, and Springfield, Ohio areas. Ultimate Rehab is an employer within the meaning of the Fair Labor Standards Act.

6. Lorie McDonald is the CEO and owner of Ultimate Rehab. Defendant McDonald is an employer within the meaning of the Fair Labor Standards Act.

FACTUAL ALLEGATIONS

7. Crystal Henry was employed by Ultimate Rehab from October 2005, to September 10, 2008.

8. During her employment with Ultimate Rehab, Plaintiff was paid on an hourly basis.

9. At no time during the October 3, 2005 to September 10, 2008 time period was she paid time and a half for overtime.

10. Defendant Ultimate Rehab has no good faith reason for its failure to pay overtime.

11. Plaintiff has not worked for Ultimate Rehab since September 10, 2008.

COUNT I (FLSA violation)

12. During the October 2005 to September 10, 2008 time period, Plaintiff worked in excess of 1000 overtime hours and is owed over \$17,000.00 in payment for overtime worked.

13. Defendant's failure to pay overtime wages for overtime hours violates the Fair Labor Standard Act, 29 USC §207.

COUNT II
(Violation of ORC §4111.01, et seq.)

14. As a further and separate cause of action, Plaintiff states as follows:

15. The allegations of Paragraphs 1 to 13 are herein incorporated by reference.

16. Ultimate Rehab is an employer within the meaning of ORC §4111.03.

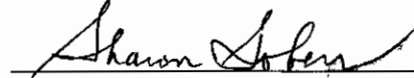
17. Ultimate Rehab is liable to Plaintiff for unpaid overtime under ORC §4111.03 for the same reasons that Ultimate Rehab is liable to Plaintiff under the Fair Labor Standards Act.

18. Plaintiff worked in excess of 1000 overtime hours and is owed over \$17,000.00 in payment for overtime worked.

WHEREFORE, Crystal Henry prays for:

- a. Payment of Overtime compensation which she is owed;
- b. Payment of earned accumulated PTO;
- c. Prejudgment interest;
- d. Compensatory damages,
- e. Liquidated damages;
- f. Attorneys fees; and
- g. All other damages or equitable relief to which Plaintiff is entitled.

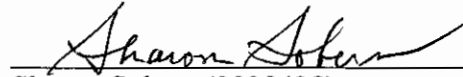
Respectfully submitted,



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JURY DEMAND

Plaintiff requests a trial by jury on all issues triable to a jury.



Sharon Sobers (0030428)